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December 7, 2018

Via email to:

Richard Langford, Chair
Virginia Air Pollution Control Board
Members of the Air Pollution Control Board
citizenboards@deq.virginia.gov

David Paylor, Director
Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23219
dpaylor@gov.state.va.us

Re: Demographic and population study for the proposed Buckingham compressor station (No. 21599)

Dear Chairman Langford, Members of the Board, and Director Paylor:

On behalf of our clients in Friends of Buckingham, we write to respond to DEQ's "Demographic and Income Profiles" for Union Hill. The printouts DEQ provided to the Board this week, without any accompanying explanation, are only *estimates* of the population and demographics of the area surrounding the compressor station. They do not represent an actual, on-the-ground count of the Union Hill community, despite the fact that obtaining this kind of data would not be difficult. In fact, Friends of Buckingham has already provided this data to DEQ and the Board during the comment period.

In order to determine whether the proposed Buckingham compressor station meets the site-suitability requirements of Va. Code Ann. § 10.1-1307, the Board must have a clear picture of the demographic composition of the Union Hill community. Neither Atlantic nor DEQ has made a meaningful effort to assess site suitability or understand who will be burdened by this new, polluting facility. The information from DEQ is too generic to be helpful and is too late in the process to allow for public engagement.

DEQ used screening tools that are designed to give regulators and the public a preliminary, approximate understanding of who might be affected by a new source of industrial pollution. But for a small community like Union Hill, those tools are not capable of providing an accurate picture of who actually lives within a one- or two-mile

radius of the facility. Instead, they can only generate *estimates* based on Census data for larger areas.

Despite appearances, DEQ's printouts do not provide a count of the number of people actually living in the Union Hill community. DEQ used software to estimate the population of the "buffer area" around the compressor station based on the more general 2010 Census characteristics of units called "census blocks." The result is an estimate that draws from much larger areas surrounding the proposed facility and is far from precise. As we explained in comments on the draft permit, Union Hill is much more densely populated than surrounding areas or the county as a whole.

Further, DEQ's estimates of demographic statistics are even less precise than its population estimates. DEQ based its demographic estimates on even larger areas called "census block groups," which introduced additional error. Had DEQ used the same scale as it used for its population estimate, the screening tools would have estimated that the population within the one-mile radius is 46.3% African American—not 25.3% as reported by DEQ. But even this more accurate estimate undercounts the actual percentage of African Americans and other minorities in this community.

These errors reflect the same cursory look at population data that has been a problem since outset of this permitting process. For example, DEQ and Dominion have persisted in using the county average population density of 29.6 people per square mile even after the Friends of Buckingham study demonstrated that the density is nearly double that for the Union Hill community: at least 52 people per square mile.

Moreover, EPA has explained that its EJ Screen tool—a tool very similar to the tool DEQ used here—is designed to give regulators and the public only a preliminary estimate of who might be most burdened by a new source of pollution. The EJ Screen "*is a pre-decisional screening tool*" and is not "designed to be the basis for agency decisionmaking or determinations regarding the existence or absence of EJ concerns."¹ It does not make sense to employ that tool now, after DEQ has already made all of its decisions and has closed the record for further public comment. According to EPA:

EJSCREEN should be used for a "screening-level" look.
Screening is a useful first step in understanding or
highlighting locations that may be candidates for further
review. However, it is essential to remember that screening-

¹ Environmental Protection Agency, EJSCREEN Environmental Justice Mapping and Screening Tool EJSCREEN Technical Documentation, at p. 9 (Aug. 2017) (emphasis supplied), https://www.epa.gov/sites/production/files/2017-09/documents/2017_ejscreen_technical_document.pdf.

level results do not provide a complete assessment of risk, and have significant limitations.²

In other words, it is inappropriate to deploy this tool at the end of the permitting process.

But the Board does not have to rely on the imperfect, Census-based estimates from DEQ. Instead, it already has access to the kind of detailed data that should be considered during the permitting process. A PhD anthropologist conducted a meticulous, household-by-household study of the Union Hill community, following National Institute of Health protocols, and submitted that information to DEQ and the Board during the comment period. The summary results of the study are included here as **Attachment A**. The study consisted of door-to-door interviews that identified each household in the Union Hill community most immediately affected by the compressor station.

The study's results do not depend on algorithms or estimates from older, aggregated Census data. Rather, it presents on-the-ground information about the households and people who currently live in Union Hill. It identified 99 specific households in this community, the majority of which are within 1 mile of the proposed compressor station. Of those 99 identified households, 75 households—a total of 199 permanent residents—participated in the study and answered specific questions about race, health, and age. Of those 199 people, 83.4% identified as non-white, the vast majority of whom are African American or bi-racial. These figures are far more meaningful, and more accurate, than the census-based estimates provided by DEQ. Further, a map of these households (**Attachment B**) definitively shows that DEQ's population estimates are inaccurate. Within the same one-mile radius for which DEQ estimated 43 households, there are in fact at least 65 households, a 50% increase over DEQ's reported number.

The Board must not rely on DEQ's population and demographic estimates when it already has access to the results of an on-the-ground study of the local community. That study reveals that the compressor station will have a disproportionate adverse effect on a minority community. Federal guidance confirms that detailed, local studies are particularly important when a small minority population is at risk: "To sufficiently identify small concentrations (i.e., pockets) of minority populations, agencies may wish to supplement Census data with local demographic data. Local demographic data and information . . . can improve an agency's decision-making process."³ Union Hill is

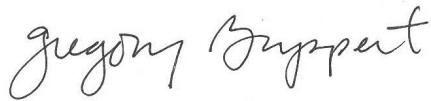
² *Id.*, at p. 8.

³ Federal Interagency Working Group on Environmental Justice, Promising Practices for EJ Methodologies in NEPA Reviews (2016),

precisely that: a small pocket of a minority population living right next to the proposed compressor station. Census data obscures that reality, and Union Hill deserves—and the Board must demand—more.

We respectfully request that the Board deny the permit for the Buckingham compressor station on December 10 because it does not meet site-suitability requirements. We appreciate your attention to this critically important matter and will be available to answer questions about this information at the Board meeting.

Sincerely,

A handwritten signature in cursive script that reads "Gregory Buppert".

Gregory Buppert
Southern Environmental Law Center

On behalf of Friends of Buckingham

CC: Matthew Gooch, Assistant Attorney General

ATTACHMENT A

Union Hill Community Household Study Results
 Friends of Buckingham, Lakshmi Fjord, Ph.D.
 Sept. 4, 2018 (updated)

Using U.S. Postal Service rural Blue Address markers, **99 households were identified in 1.1 mile radius of proposed Atlantic Coast Pipeline Virginia compressor station in Union Hill, Buckingham, VA.** Teams reached **75 households** or **76.53% response rate** .

Weekday residents of 75 households: **199**

Weekend, bi-monthly, and annual family reunion numbers add hundreds more frequent visitors.

Race by self-identification: Taken together minorities make up 83% of residents:

	African American	Native American and African American	White	Native American and White	Native American	Hispanic
Count	123	27	33	9	3	3
%	61.80904523	13.5678392	16.58291457	4.522613065	1.507537688	1.507537688

Weekday residents household ages: Taken together 32% are Children; 25% Elderly, which is disproportionately people over 75 years old (age range masks actual ages):

Age Range	0-5	6-18	18-21	22-40	41-65	65+	Unknown	Total
Count	28	36	5	36	43	50	1	199
%	14.070351	18.090452	2.5125628	18.090452	21.608040	25.12562	0.50251256	100

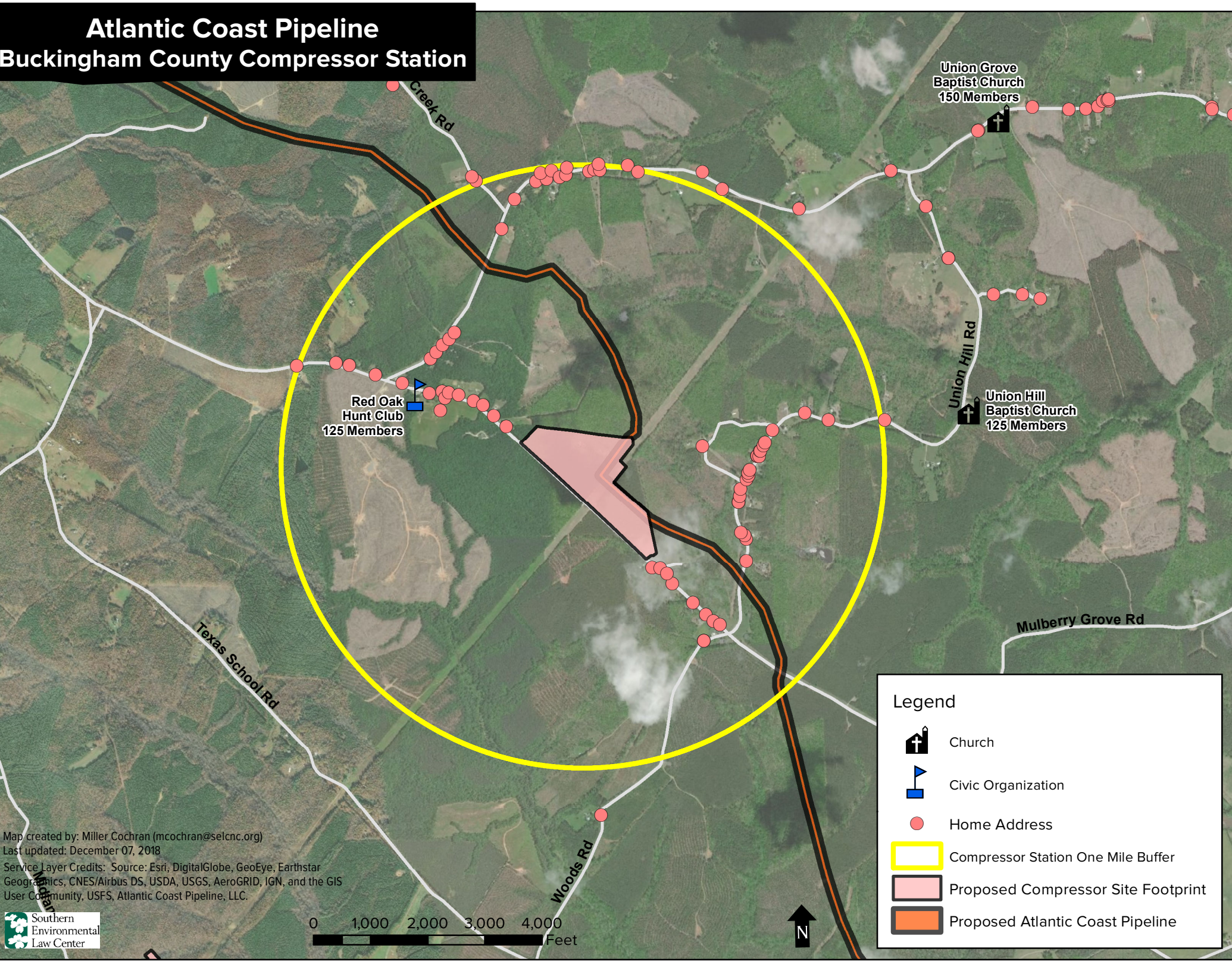
Of the 67 households from which we were able to have extensive questionnaire time, **35 responded with their existing medical conditions**. Therefore there is **health data for 59.32% of the reached households**. Existing health diagnoses include:

Highest levels of existing diagnosed health conditions are for autoimmune conditions (asthma, allergies, multiple sclerosis, lupus) and lung/respiratory conditions, heart disease and heart conditions, and diabetes. Other conditions include arthritis, bipolar disorder, cancers including brain cancer, epilepsy, kidney conditions. migraines, light sensitivity, noise sensitivity, skin disease, and strokes.

ATTACHMENT B

Atlantic Coast Pipeline

Buckingham County Compressor Station



Map created by: Miller Cochran (mcochran@selcnc.org)
Last updated: December 07, 2018
Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS
User Community, USFS, Atlantic Coast Pipeline, LLC.

